

Serial No.: 10/750,471  
Examiner: George C. Monikang

#### REMARKS/ARGUMENTS

Claims 1-35 remain in this application with claims, with claims 1, 15 and 26 being independent claims. No claims have been canceled. Claims 1, 15 and 26 have been amended.

#### Regarding the 35 USC 103(a) rejection:

In the office action, independent claims 1, 15 and 26 were rejected under 35 USC 103(a) as being unapatable over Nakazawa (US Patent No. 5,715,317) in view of Applicant's admitted prior art (figs. 1-6; paragraphs 0002-0017, "AAPA"). Applicant respectfully asserts that independent claims 1, 15 and 26, as now presented, are patentable over Nakazawa in view of AAPA. Additionally, Applicant asserts that neither Nakazawa, AAPA nor any of the cited references, whether taken alone or in any reasonable combination teach, disclose or render obvious the invention as presently claimed in independent claims 1, 15 and 26. In particular independent claim 1 claims in part "using the sound-producing array to determine at least one of the head orientation and torso orientation of the listener subject"; independent claim 15 claims in part "transmitting sound waves toward the listener subject having a torso and a head via sound-producing array; receiving the reflected sound waves via one or more microphones; processing the received sound waves to determine time-relative changes in listener subject head orientation and listener subject torso orientation"; and independent claim 26 claims in part "said sound-producing array operable to determine at least one of the head orientation and torso orientation of a listener subject".

Applicant respectfully asserts that nowhere in Nakazawa, AAPA or any of the cited references are these limitations disclosed. The Examiner points to AAPA, paragraph 0008 as disclosing "transmitting sound waves toward a subject having a torso and a head via a sound-producing array". Applicant respectfully asserts that the "sound-producing" array disclosed in paragraph 0008 of AAPA is "headphones", and further asserts that nowhere in AAPA does it disclose using the "headphones" to determine at least one of the head orientation and the torso orientation of the listener subject. As each and every element of independent claims 1, 15 and 26 is not disclosed in either Nakazawa or the AAPA (alone or combined), Applicant respectfully

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asserts that independent claims 1, 15 and 26, as now presented are patentable over the cited references.

Regarding claims 2-14, as these claims depend either directly or indirectly from independent claim 1, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 1, Applicant respectfully asserts that these claims are also patentable over the cited references.

Regarding claims 16-25, as these claims depend either directly or indirectly from independent claim 15, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 15, Applicant respectfully asserts that these claims are also patentable over the cited references.

Regarding claims 27-35, as these claims depend either directly or indirectly from independent claim 26, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 26, Applicant respectfully asserts that these claims are also patentable over the cited references.

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It is believed that the foregoing places the Application in condition for allowance; therefore, Applicants respectfully request withdrawal of the Examiner's rejection of the claims as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned at (512) 306-8533 to expeditiously resolve any outstanding issues.

Respectfully submitted,

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